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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

RUSSELL SHETTERS III,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 3:04-cv-0142-JKS
	)	
SUPERINTENDENT,	)	<u>RESPONDENT'S MOTION TO</u>
JOE SCHMIDT	)	<u>DISMISS HABEAS CORPUS</u>
	)	<u>APPLICATION AS BARRED BY</u>
Respondent.	)	<u>THE STATUTE OF LIMITATIONS</u>
	)	

The Respondent, Joe Schmidt, by and through Assistant Attorney General Michael Sean McLaughlin, requests that this court dismiss Petitioner Shetters' application for a writ of *habeas corpus* because the writ is barred by the one-year statute-of-limitations. By the respondent's calculations, 420 days had run under the statute by the time that Shetters filed his application. Shetters' application was thus filed 55 days too late.

This motion is supported by the accompanying memorandum of facts and law.

DATED May 30, 2008 , at Anchorage, Alaska.

TALIS J. COLBERG  
ATTORNEY GENERAL

s/ Michael Sean McLaughlin  
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### **Certificate of Service**

I certify that on May 30, 2008, a copy of the foregoing Respondent's Motion to Dismiss Habeas Corpus Application as Barred by the Statute of Limitations, Memorandum in Support of Motion and Proposed Order was served on Russell Shetters III by regular U.S. mail.

s/ Michael Sean McLaughlin